UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,647	07/02/2001	Hiroyasu Karimoto	33764	5920

116   7590   08/03/2005

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER
BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/869,647	KARIMOTO ET AL.
	Examiner	Art Unit
	William L. Bashore	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2005*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: amendment filed 4/18/2005, to the original application

filed 7/2/2001 with priority filing date of **11/4/1999**. IDS filed 7/2/2001.

2.   The objection to the title has been withdrawn as necessitated by amendment.

3.   Claims 1-3, 8-10, 15-21, 23-32 remain rejected under 35 U.S.C. 103(a) as being unpatentable over

Mindrum and Arellano.

4.   Claims 4-5, 11-12 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum,

Arellano, and Smith.

5.   Claims 6, 7, 13, 14, 22 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum,

Arellano, and Kay.

6.   Claims 1-32 pending. Claims 1, 8, 19, 31 are independent claims.

Claim Rejections - 35 USC § 103

7.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall
> not be negatived by the manner in which the invention was made.

8.   **Claims 1-3, 8-10, 15-21, 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Mindrum (hereinafter Mindrum), U.S. Patent No. 6,340,978 issued January 2002, in view of Arellano et

al. (hereinafter Arellano), U.S. Patent No. 6,694,482 issued February 2004.

In regard to independent claim 1, Mindrum teaches creation of a "Life Story" from a set of user submissions (Mindrum Abstract, column 2 lines 31-41).

Mindrum teaches storage of life information data in a database, said database typically utilizing indexes (i.e. primary, secondary keys, etc.) for holding a plurality of added data from many different users (Mindrum column 9 lines 11-16, see also column 10 lines 37-45 "unique id").

Mindrum teaches a user accessing said database for specific information (i.e. element indexes) via an interactive headstone. The results are outputted to the user as a creation (Mindrum column 15 lines 64-67, see also column 12 lines 34-41).

Mindrum does not specifically teach calculating a correlation among sets and obtaining sets satisfying an evaluation reference. However, Arellano teaches a method of creating an interactive multimedia application that can dynamically adapt to a user (Arellano Abstract, column 4 lines 49-61). Arellano uses a User Agent to re-evaluate the importance of features and values by utilizing correlation computations between features (Arellano column 9 lines 43-54, see also column 10 lines 4-10). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Arellano to Mindrum, providing Mindrum the benefit of dynamically updating a Life Story presentation by automatically choosing the best appropriate material submitted by friends of the deceased.

In regard to dependent claim 2, Mindrum teaches scenario elements (parts of a Life Story) Mindrum Figure 5).

In regard to dependent claim 3, Mindrum does not specifically teach "5W1H" information (Who, What, Where, When, Why, and How). However, Mindrum teaches a headstone embodiment for educating a viewer about the deceased. The information provided typically includes life information (i.e. who the deceased was, what he/she was doing, where he lived, when he was born, how he died, etc.), providing reasonable suggestion to the skilled artisan to use 5W1H type information to describe a person's life stored in the form of a

plurality of element indexes (i.e. a pair, etc.). It would have been obvious to one of ordinary skill in the art at the

time of the invention to use 5W1H, providing a user of Mindrum the benefit of a complete record of one's life.

In regard to claims 8-10, claims 8-10 reflect the apparatus comprising computer executable

instructions used for performing the methods as claimed in claims 1-3 respectively, and are rejected along the

same rationale.

In regard to dependent claims 15-18, Mindrum teaches a database over the Internet, as well as a CD

for home storage and playback (Mindrum column 13 lines 59-67 to column 14 lines 1-67).

In regard to independent claim 19, claim 19 incorporates substantially similar subject matter as

claimed in claim 8, and in further view of the following, is rejected along the same rationale.

Mindrum teaches a database table for editing of various information (i.e. phrases) (Mindrum column 10

lines 40-67).

In regard to dependent claims 20, 21, Mindrum teaches a database for storing multimedia data

referenced by indexes (i.e. primary, secondary keys, etc.) (Mindrum column 10 lines 35-67).

Mindrum does not specifically teach "5W1H" information (Who, What, Where, When, Why, and How).

However, Mindrum teaches a headstone embodiment for educating a viewer about the deceased. The

information provided typically includes life information (i.e. who the deceased was, what he/she was doing,

where he lived, when he was born, how he died, etc.), providing reasonable suggestion to the skilled artisan to

use 5W1H type information to describe a person's life stored in the form of a plurality of element indexes (i.e. a

pair, etc.). It would have been obvious to one of ordinary skill in the art at the time of the invention to use

5W1H, providing a user of Mindrum the benefit of a complete record of one's life.

In regard to dependent claim 23, Mindrum teaches elements stored in a database, said elements can be searched accordingly in order to produce a finished product (Mindrum column 10 lines 35-67).

In regard to dependent claims 24-30, Mindrum teaches physical entities (i.e. scanned photos, etc.), as well as a way to update (edit/add/delete, etc.) information accordingly (Mindrum column 10 lines 35-67, column 14 lines 10-15). Mindrum creates a finished product without creating collisions between various media in the presentation.

In regard to independent claim 31, claim 31 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claim 32, Mindrum teaches a CD (Mindrum Figure 6 item 95).

9.   **Claims 4-5, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum in view of Arellano, and further in view of Smith (hereinafter Smith), U.S. Patent No. 6,694,311 issued February 2004.**

In regard to dependent claims 4, 5, Mindrum does not specifically teach vectors plotted, scattered and analyzed in a tank (i.e. a graph). However, Smith teaches query approximation associated with a multimedia database using vector plotting, which form angles (Smith column 5 lines 10-15, also Abstract and Figures 4, 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Smith to Mindrum, providing Mindrum the benefit of vector analysis for a more accurate search of database indexes.

In regard to claims 11, 12, claims 11,12 reflect the apparatus comprising computer executable instructions used for performing the methods as claimed in claims 4,5 respectively, and are rejected along the same rationale.

10.   **Claims 6, 7, 13, 14, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum in view of Arellano, and further in view of Kay (hereinafter Kay), U.S. Patent No. 6,103,964 issued August 2000.**

In regard to dependent claims 6, 7, Mindrum does not specifically teach producing a music creation along with a scenario creation. However, Kay teaches generation of algorithmically altered musical effects by analyzing notes of inputted music (Kay Abstract, column 2 lines 56-67, column 3 lines 10-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kay's music generation to the audio elements of Mindrum, providing Mindrum the benefit of alternative music selections for enriching the multimedia experience.

Mindrum does not specifically teach "5W1H" information (Who, What, Where, When, Why, and How). However, Mindrum teaches a headstone embodiment for educating a viewer about the deceased. The information provided typically includes life information (i.e. who the deceased was, what he/she was doing, where he lived, when he was born, how he died, etc.), providing reasonable suggestion to the skilled artisan to use 5W1H type information to describe a person's life stored in the form of a plurality of element indexes (i.e. a pair, etc.). It would have been obvious to one of ordinary skill in the art at the time of the invention to use 5W1H in its creations, providing a user of Mindrum the benefit of a complete record of one's life.

In regard to claims 13, 14, claims 13, 14 reflect the apparatus comprising computer executable instructions used for performing the methods as claimed in claims 6, 7 respectively, and are rejected along the same rationale.

In regard to dependent claim 22, Mindrum does not specifically teach genetic algorithms. However, Kay teaches generation of algorithms for musical effects, said algorithms can be genetic, since elements of an effect can be substituted for another (Kay Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kay to Mindrum, providing Mindrum the benefit of genetic algorithms for more accurate audio effects.

Response to Arguments

11.   Applicant's arguments filed 4/18/2005 have been fully and carefully considered but they are not persuasive.

Applicant argues on pages 15-16 of the amendment that Arellano does not specifically teach calculating a correlation among sets and obtaining sets satisfying an evaluation reference. As stated in the rejection, Arellano uses a User Agent to re-evaluate the importance of features and values by utilizing correlation computations between features. This teaching can be fairly interpreted as a form of correlation calculation, and is applied to the primary reference accordingly. In additional support of the instant rejections, Arellano also teaches a "feature-vector" consisting of attribute-value pairs (i.e. keyword=cooking, author=Smith, etc.). These features are weighted according to their relative importance (Arellano column 16 lines 60-67 to column 17 lines 1-21). It is also noted that representative claim 1 does not preclude the examiner from interpreting features and values as part of information sets, or elements of a creation, etc.

Applicant argues on pages 17-18 of the amendment that Mindrum does not specifically teach agitation means for performing simulations, etc... In additional support of the instant rejections, it is noted that Mindrum's invention allows for updating a person's Life Story as new information is submitted, therefore each update can result in a new simulation. Even if the position is taken regarding Mindrum's non-interactive presentation (as alleged by Applicant), the examiner does not find it unreasonable to modify Mindrum so as to render its presentation dynamically adaptable, providing Mindrum the benefit of dynamically updating a Life Story presentation by automatically choosing the best appropriate material submitted by friends of the deceased.

It is respectfully submitted that since people's memories and feelings of a deceased person can (and often do) change with the passage of time, applying the combination of references as noted above would render a Life Story which can accommodate these changes. Contrary to Applicant's assertion, the motivation to combine in this case emanates from the knowledge and life experiences of the skilled artisan.

Conclusion

12.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
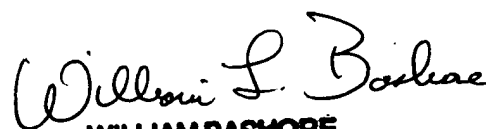
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/869,647   Page 9

Art Unit: 2176

14.   Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

WILLIAM BASHORE
PRIMARY EXAMINER

August 2, 2005